

**ASSEMBLY BILL**

**No. 1493**

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**Introduced by Assembly Member Cooper**

February 27, 2015

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An act to amend Section 7470 of the Government Code, relating to governmental investigations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1493, as introduced, Cooper. Governmental investigations: financial records.

Existing law generally prohibits an officer, employee, or agent of a state or local agency, in connection with a civil or criminal investigation, from requesting or receiving copies of, or the information contained in, the financial records of a customer from a financial institution unless the records are described with particularity, consistent with the scope and requirements of the investigation, and other conditions are met.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 7470 of the Government Code is amended
- 2     to read:
- 3     7470. (a) Except as provided in Section 7480, ~~no~~ *an* officer,
- 4     employee, or agent of a state or local agency or department thereof,
- 5     in connection with a civil or criminal investigation of a customer,
- 6     whether or not ~~such~~ *an* investigation is being conducted pursuant

1 to formal judicial or administrative proceedings, ~~may~~ *shall not*  
2 request or receive copies of, or the information contained in, the  
3 financial records of ~~any~~ a customer from a financial institution  
4 unless the financial records are described with particularity and  
5 are consistent with the scope and requirements of the investigation  
6 giving rise to ~~such~~ the request ~~and~~; *and any of the following apply:*

7 (1) ~~Such~~ The customer has authorized disclosure to such officer,  
8 employee or agent of such state or local agency or department  
9 thereof in accordance with Section ~~7473~~; ~~or~~ 7473.

10 (2) ~~Such~~ The financial records are disclosed in response to an  
11 administrative subpoena or summons ~~which~~ *that* meets the  
12 requirements of Section ~~7474~~; ~~or~~ 7474.

13 (3) ~~Such~~ The financial records are disclosed in response to a  
14 search warrant ~~which~~ *that* meets the requirements of Section ~~7475~~;  
15 ~~or~~ 7475.

16 (4) ~~Such~~ The financial records are disclosed in response to a  
17 judicial subpoena or subpoena duces tecum ~~which~~ *that* meets the  
18 requirements of Section 7476.

19 (b) Nothing in this section or in Sections 7473, 7474, 7475, and  
20 7476 shall require a financial institution to inquire or determine  
21 that those seeking disclosure have duly complied with the  
22 requirements set forth therein, provided only that the customer  
23 authorization, administrative subpoena or summons, search  
24 warrant, or judicial subpoena or order served on or delivered to a  
25 financial institution pursuant to ~~such~~ *these* sections shows  
26 compliance on its face.

27 (c) The financial institution shall maintain for a period of five  
28 years a record of all examinations or disclosures of the financial  
29 records of a customer pursuant to this chapter, including the  
30 identity of the person examining the financial records, the state or  
31 local agency or department thereof ~~which~~ *that* he *or she* represents,  
32 and a copy of the customer authorization, subpoena, summons or  
33 search warrant providing for ~~such~~ *the* examination or disclosure  
34 or a copy of the certification received pursuant to subdivision (b)  
35 of Section 7480. ~~Any~~ A record maintained pursuant to this  
36 subdivision shall be available, within five days of request, during  
37 normal business hours for review by the customer at the office or  
38 branch where the customer's account was located when examined  
39 or disclosed. A copy of ~~such~~ *the* record shall be furnished to the  
40 customer upon request and payment of the reasonable cost thereof.

1 (d) Except as provided in Section 7480, this section is not  
2 intended to preclude a state or local law enforcement agency from  
3 initiating contact with a financial institution if there is reason to  
4 believe that the institution is a victim of a crime. After ~~such~~ *this*  
5 contact by a law enforcement agency, if the financial institution  
6 believes it is a victim of a crime, it may, in its discretion, disclose  
7 relevant financial records pursuant to subdivision (c) of Section  
8 7471.

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